

Gary M. Hoffman (*Pro Hac Vice*)
 Kenneth W. Brothers (*Pro Hac Vice*)
 DICKSTEIN SHAPIRO MORIN
 & OSHINSKY, LLP
 2101 L Street, NW
 Washington, DC 20037-1526
 Phone (202) 785-9700
 Fax (202) 887-0689

Teresa M. Corbin (SBN 132360)
 Christopher Kelley (SBN 166608)
 Thomas C. Mavrakakis (SBN 177927)
 HOWREY SIMON ARNOLD & WHITE
 301 Ravenswood Avenue
 Menlo Park, California 94025
 Telephone: (650) 463-8100
 Facsimile: (650) 463-8400

Edward A. Meilman (*Pro Hac Vice*)
 DICKSTEIN SHAPIRO MORIN
 & OSHINSKY, LLP
 1177 Avenue of the Americas
 New York, New York 10036-2714
 Phone (212) 835-1400
 Fax (212) 997-9880

Attorneys for Synopsys, Inc. and
 Aeroflex Incorporated, et al.

Jeffrey B. Demain, State Bar No. 126715
 Jonathan Weissglass, State Bar No. 185008
 ALTSHULER, BERZON, NUSSBAUM, RUBIN & DEMAINE
 177 Post Street, Suite 300
 San Francisco, California 94108
 Phone (415) 421-7151
 Fax (415) 362-8064

Attorneys for Ricoh Company, Ltd.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

RICOH COMPANY, LTD.,

Plaintiff,

vs.

AEROFLEX INCORPORATED, et al.,

Defendants

SYNOPSYS, INC.,

Plaintiff,

vs.

RICOH COMPANY, LTD.,

Defendant

CASE NO. C-03-4669-MJJ (EMC)

CASE NO. C-03-2289-MJJ (EMC)

JOINT CLAIM CONSTRUCTION AND
 PREHEARING STATEMENT

Date: October 20, 2004

Time: 2:30 p.m.

Courtroom: 11

1 Pursuant to Patent L.R. 4-3, plaintiff and declaratory judgment defendant Ricoh
2 Company, Ltd. ("Ricoh"), declaratory judgment plaintiff Synopsys, Inc., ("Synopsys"), and
3 defendants and declaratory judgment counterclaimants Aeroflex, et al. ("Aeroflex") (collectively,
4 "the Parties") submit their joint claim construction in the chart attached as Exhibit A.

5 Statement regarding subsection (a): The parties have been unable to agree on any
6 proposed construction of the claim language for claims 13-17 of the '432 patent.

7 Statement regarding subsection (b): Exhibit A contains each Party's proposed
8 construction of each disputed claim term, phrase or clause, together with an identification of all
9 references from the '432 patent's specification and/or the '432 patent's prosecution (or file)
10 history that support that construction. It also identifies all extrinsic evidence known to the party
11 on which it intends to rely either to support its proposed construction of each disputed claim
12 term, phrase or clause or to oppose any other party's proposed construction of each disputed
13 claim term, phrase or clause, including but not limited to, as permitted by law, dictionary
14 definitions, citations to learned treatises and prior art, and testimony of percipient and expert
15 witnesses. Synopsys and the Defendants have attached the identified intrinsic and extrinsic
16 evidence as well as dictionaries, etc. to Exhibit A.

17 Statement regarding subsection (c): The Parties agree that the amount of time for the
18 tutorial (scheduled for October 20, 2004, at 2:30 p.m.) and the claim construction hearing
19 (scheduled for October 29, 2004, at 9:30 a.m.) should be evenly divided between Ricoh, on the
20 one hand, and Synopsys and the Aeroflex et al. defendants, on the other hand.

21 Statement regarding subsection (d): No Party proposes to call percipient witnesses at
22 either the tutorial or the claim construction hearing. Pursuant to the Court's directives at the
23 telephone hearing on July 14, 2004, Ricoh has not cited extrinsic evidence. Ricoh objects to the
24 citation of extrinsic evidence by Synopsys and Aeroflex, and reserves its right to seek discovery
25 regarding any such extrinsic evidence and respond with its own extrinsic evidence. Attached as
26 Exhibit B is a summary of the testimony of Thaddeus J. Kowalski, Ph.D., an expert witness on
27 behalf of Synopsys and the Aeroflex et al. defendants, supporting Synopsys' and the Aeroflex et
28

1 al. defendants' proposed constructions and opposing Ricoh's proposed constructions for each
2 disputed claim term, phrase or clause.

3 Statement regarding subsection (e): The prehearing conference and tutorial is
4 scheduled for October 20, 2004 at 2:30 p.m. Other than the dispute referenced in the parties'
5 July 15, 2004, joint letter to the Court, the parties are not aware of any other issues at this time.

6 Dated: July 15, 2004

7
8 Synopsys and Aeroflex, et. al
By: /s/ Thomas C. Mavrakakis
Teresa M. Corbin
9 Christopher Kelley
Thomas C. Mavrakakis
10 Erik K. Moller
HOWREY SIMON ARNOLD & WHITE, LLP
11 301 Ravenswood Avenue
Menlo Park, California 94025
12 Telephone: (650) 463-8100
13 Facsimile: (650) 463-8400

14 Attorneys for Synopsys and Aeroflex, et. al

Ricoh Company, Ltd.
By: /s/ Kenneth W. Brothers
Gary M. Hoffman
Kenneth W. Brothers
DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP
2101 L Street NW
Washington, D.C. 20037-1526
Telephone: (202) 785-9700
Facsimile: (202) 887-0689

Edward A. Meilman
DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP
1177 Avenue of the Americas
New York, New York 10036
Telephone: (212) 896-5471
Facsimile: (212) 997-9880

Jeffrey B. Demain, State Bar No. 126715
Jonathan Weissglass, State Bar No. 185008
Altshuler, Berzon, Nussbaum, Rubin &
Demain
177 Post Street, Suite 300
San Francisco, California 94108
Phone: (415) 421-7151
Fax: (415) 362-8064
Attorneys for Ricoh Company, Ltd.